IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 16523 of 2004

Between:

Smt. Ch. Rajani Bharathi W/o Ramesh
Narsampet Gram Panchayat, Warangal District

..... PETITIONER

AND

1 The District Collector (PW) Warangal District
2 The District Panchayat Officer, Warangal District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of mandamus calling for the records relating to Procgs. No. 3257/2004/A2-1, dated 4-9-2004 issued by the first respondent and declare the same as illegal, arbitrary and is of no jurisdiction.

Counsel for the Petitioner : Sri D.PRAKASH REDDY, Senior Counsel

Mr.B.BHASKARA REDDY, Advocate

Counsel for Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage, made the following :

ORDER:

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Heard the learned Senior Counsel Sri D.Prakash Reddy appearing for petitioner and the learned Government Pleader appearing for respondents.

The learned Government Pleader fairly concedes that the District Panchayat Officer is the competent authority to pass the order freezing the cheque drawing powers of the Sarpanch, against which an appeal lies to the District Collector.

In the circumstances, I deem it appropriate to hold that the Collector being an appellate authority cannot usurp the jurisdiction of the original authority and as such he cannot freeze the cheque drawing powers of the petitioner and therefore, the impugned order passed by the Collector is hereby set aside. However, the respondents are at liberty to proceed in accordance with law by issuing fresh orders.

The writ petition is accordingly allowed. No costs.

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A.GOPAL REDDY, J

Date: 17.11.2004

DA

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on the second day of August, Two Thousand and Four.

To

1 The District Collector (PW) Warangal District
2 The District Panchayat Officer, Warangal District

3 Two CCs to the G.P. for Panchayat Raj & Rural Development

Department, High Court Buildings, Hyderabad (OUT).

4 Two spare copies.